

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, Applicants would like to thank the Examiner for the indication that claims 99-113 as being allowed and claims 4-30, 34, 35, 38-42, 48-55, 59-90, and 115-124 as being allowable.

In the Official Action, the Examiner acknowledges Applicant's claim for foreign priority but indicates that certified copies of the Japanese Applications as required by 35 U.S.C. 119(b) has not been submitted. In response, Applicants respectfully submit that certified copies of Japanese Applications 2000-115355, 2000-128262, and 2000-145530 were submitted on February 27, 2002. A copy of a stamped postcard acknowledging receipt of such applications is enclosed herewith.

New claims 136-159 have been added to recite additional features of the present invention. New claims 136-159 are fully supported in the original disclosure. Thus, no new matter has been entered into the disclosure by way of the addition of new claims 136-159.

Shimizu, which has been cited against claims 1-3, 31-34, 36, 37, 43-47, 56-58, 91-98, and 114 (see below), discloses an endoscope provided with a "medical instrument raising block." New independent claims 136, 150, 153, and 155 each recite a guide wire fixing mechanism or means for restricting relative movement of a guidewire with respect to the insertion portion in a longitudinal direction of the insertion portion. Such a feature is nowhere disclosed or suggested in Shimizu. Thus, Applicants respectfully submit that new independent claims 136, 150, 153, and 155 patentably distinguish over the cited reference and

are allowable. Applicants further submit that claims 137-149, 151, 152, and 156-159, being dependent upon claims 136, 150, 153, and 155 are at least allowable therewith.

In the Official Action, the Examiner rejects claims 1-3, 31-34, 36, 37, 43-47, 56-58, 91-98, and 114 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,841,949 to Shimizu et al., (hereinafter "Shimizu").

In response, claims 1-3 have been canceled. Additionally, allowable claim 4 has been re-written to include the limitations of base claim 1 and intervening claim 3. However, the phrase "is constituted by" in original claim 3, line 2 has been re-written in claim 4 as --includes-- to improve the form and readability of amended claim 4.

Furthermore, allowable claims 17, 18, 21, 22, 26, and 30 have been amended from being dependent upon canceled claim 3 into independent form including all of the limitations of original independent claim 1 and intervening claim 3. Again, the phrase "is constituted by" in original claim 3, line 2 has been re-written in claims 17, 18, 21, 22, 26, and 30 as --includes-- to improve the form and readability of amended claims 17, 18, 21, 22, 26, and 30.

Still further, claims 31, 56, and 57 have been amended to change their dependency from canceled claim 1 to new claim 154. As discussed above, Applicants respectfully submit that independent claim 153 patentably distinguishes over the cited reference and is allowable. Applicants further submit that claims 31-38, being dependent upon claim 153 (through intervening claim 154) are at least allowable therewith.

Still further, claims 59, 71-74, and 78-80 have been amended from being dependent upon canceled claim 1 into independent form including all of the limitations of original independent claim 1.

Still further, claim 91 has been amended to change its dependency from canceled claim 1 to new claim 154. As discussed above, Applicants respectfully submit that independent claim 153 patentably distinguishes over the cited reference and is allowable. Applicants further submit that claims 92-98, being dependent upon claim 153 (through intervening claim 154) are at least allowable therewith.

Claims 99-113 have been indicated as allowable by the Examiner.

Claim 114 has been canceled.

Allowable claims 115, 122, 123, and 124 have been amended from being dependent upon canceled claim 114 into independent form including all of the limitations of original independent claim 114.

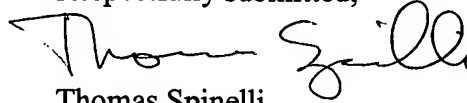
Claims 125-135 have been withdrawn as directed to a non-elected invention.

Lastly, claims 22-25 have been amended to improve their form and readability. Specifically, claims 22, 24, and 25 have been amended to delete the term "high." Claim 23 has been amended to delete the terms "for example" and "having a high friction resistance." No new matter has been entered into the disclosure by the present amendment to claims 22-25.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be

allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas Spinelli". The signature is fluid and cursive, with the first name "Thomas" and last name "Spinelli" clearly distinguishable.

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Enclosure (Copy of Postcard Acknowledging receipt of Japanese
Applications 2000-115355, 2000-128262, and 2000-145530)